Applicant respectfully submits that Leone, either alone or in combination with the other cited references, fails to teach or suggest each and every feature as set forth in the claimed invention. In particular, Leone at least fails to teach or suggest that the region designated is displayed at high resolution before or after, or both before and after the region is processed for red eye correction, as set forth in independent claim 1.

Claim 1 recite, *inter alia,* an image processing apparatus including a display for displaying the image carried by the image data at high resolution or low resolution. A display switching means switches at least one portion or all portions of the image displayed from the low resolution to the high resolution and vice versa. The switching means switches in such a way that at least the region designated in the image is displayed at high resolution before or after, or both before and after the region is processed by the red eye correction means.

For example, in the present invention, an eye can be indicated by the operator and the red eye state con be easily confirmed by the image of high resolution. In conventional apparatuses, the operator is required to take out an eye from the image and the verification thereof is performed using data of low resolution making it difficult to confirm a red eye state.

In contrast to the present invention, Leone discloses a system for applying a function to a localized area of an image using a window. In Leone, a captured image is displayed on a touch sensitive display and the user can pan to and zoom on particular portions of the images to designate a region to be processed. However, the source images of Leone are subsampled and only the subsampled images are displayed in the window 22. (see Leone, column 6, lines 27-29 and Fig. 4).

The Office Action asserts that Leone discloses that the display displays the image at low resolution when first loaded into the display and at high resolution when the display zooms in on a particular area of the display. Applicant respectfully disagrees with this assertion.

Applicant respectfully submits that Leone fails to disclose that the image is displayed at high resolution when the display zooms in on the image. Instead, Leone expressly discloses that the source image is subsampled at a frequency that will allow the entire subsampled image to fit in the CRT display area. (see Leone, col. 5, lines 9-12). The subsampled image of Leone is at a lower resolution than the captured source image. (see Leone, claim 1, section b). Only subsampled images (lower resolution images) are displayed in Leone.

In other words, the images displayed in Leone and portions thereof are low resolution representations of the source image, not high resolution images as set forth in the claimed invention. Therefore, because Leone only displays low resolution (subsampled) images, Leone fails to disclose a display switching means that switches in such a way that at least the region designated by the designation means is displayed on the display at high resolution before or after, or both before and after the region is processed by the red eye correction means.

Furthermore, Leone fails to teach or suggest that the images displayed on the display are images based on the input data being read photoelectrically at high resolution and low resolution from the image carried on the photographic film. Leone merely discloses that the photographic or negative image is scanned. However, Leone fails to indicate that the scan is done at least twice, i.e., at both high and low resolution, as set forth in claim 9. In other

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words, Leone fails to disclose that the source image is scanned at both high resolution and low resolution from the image carried on the photographic film. Leone merely discloses scanning the image and then subsampling the scanned image using a number of conventional strategies for subsampling, such as nearest neighbor subsampling.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Leone, fails to teach or suggest each and every feature as set forth in the claimed invention.

Additionally, applicant notes that, in order to anticipate a "means-plus-function" clause as recited in independent claim 1, a reference must disclose a function identical to the recited function. Applicant respectfully submits that the Office Action is merely using portions of the claimed functions and is attempting to find the same function in the cited reference. However, the entire identical function must be disclosed.

Applicant also respectfully submits that Yamanouchi and DeLuca fail to make up for the deficiencies found in Leone.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Like Leone, both Yamanouchi and DeLuca fail to teach or suggest a display switching means that switches in such a way that at least the region designated by the designation means is displayed on the display at high resolution before or after, or both before and after the region is processed by the red eye correction means, as set forth in the claimed invention.

Applicant respectfully submits that the combination of Leone and Yamanouchi and/or the combination of Leone, Yamanouchi and DeLuca fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claim 1 is allowable over the cited references for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims,

and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-10 under 35 U.S.C. §102(e) and §103(a) is respectfully solicited.
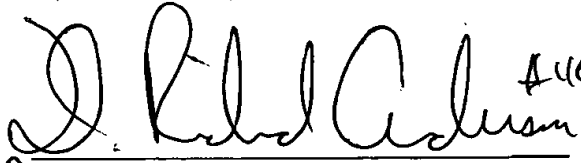
CONCLUSION

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview**.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,

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